

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

BRANDY J. ELZEA,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Case No. 2:08CV00050 ERW

**MEMORANDUM AND ORDER**

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge David D. Noce [doc. #18] pursuant to 29 U.S.C. § 636(b).

The Court notes that no objections to the Report and Recommendation were filed within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation in its entirety. The Social Security Commissioner's decision is reversed and remanded.

Accordingly,

**IT IS HEREBY ORDERED** that under Sentence Four of 42 U.S.C. § 405(g), the final decision of the Commissioner of Social Security denying Plaintiff Brandy J. Elzea's applications for disability benefits and supplemental security income is **REVERSED**, and the case is remanded to the Commissioner for further proceedings.

Dated this 4th Day of February, 2010.



E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE